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SUBJECT: THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION TURNS 25

11. Summary: The International Development Law Organization (IDLO) hosted a 25th anniversary celebration at their Rome headquarters on June 4, 2009, entitled "IDLO at 25 - Embracing Change." The celebration noted the growth and past accomplishments of IDLO and focused on the Organization's need for long-term institutional change. Among the notable accomplishments of IDLO is their work in Afghanistan to establish the rule of law and provide legal protection to the poor and disempowered. The strategic plan of IDLO for dealing with future challenges was presented as a "bottom-up" strategy of legal reform, involving multiple levels and actors working on defined national priorities rather than discrete projects. IDLO is concerned that the financial crisis may reduce aid levels, but plans to use the crisis as an opportunity to push through regulatory reform of investments and corporate governance. IDLO is in the process of selecting a new Director-General to replace the current DG William Loris, with an American Citizen among the "official" candidates. End summary.

IDLO CELEBRATES 25 YEARS

12. The International Development Law Organization ("IDLO") hosted a 25th Anniversary Celebration at their Rome headquarters on June 4 entitled "IDLO at 25 - Embracing Change." The celebration noted the development and past accomplishments of IDLO, and focused on the need for long-term institutional change for the Organization to continue to work effectively in a changing world. Programs on key topics included: "Peace-Building & Assistance in Post-Conflict Countries;" and "Trends in Law and Development."

HISTORY OF IDLO

13. IDLO Director-General Loris spoke at the opening session on the Organization's past and the need for long-term institutional change. IDLO was created in 1983 as a Dutch foundation by a group of lawyers concerned by what they viewed as a lack of balance in international negotiations. In 1988, IDLO was re-founded as an intergovernmental organization through a multilateral convention. In 2001, the United Nations General Assembly granted IDLO Observer Status. IDLO is the only inter-governmental organization wholly dedicated to promoting the rule of law and good governance in developing and post-conflict countries. Loris noted how the rule of law is essential for security, economic growth, and social development. Loris also highlighted three areas of continued concern for IDLO's future: improved access to leaders and decision-makers; building trust, i.e., IDLO should be seen as non-political; and demonstrating results, so IDLO may gain the necessary resources from a dwindling pool.

IDLO ACTIVITIES IN AFGHANISTAN

14. H.E. Prof. Musa M. Maroofi, Ambassador of Afghanistan to Italy, spoke on the significant contributions IDLO has made to establishing the rule of law in Afghanistan. IDLO has provided significant peace-building assistance to post-Taliban

Afghanistan by helping rebuild the country's judicial structure.

In 2002, after Taliban efforts to eliminate copies of written law, IDLO mounted a worldwide effort to reassemble over 2400 Afghan laws, representing most of the legislation produced during the last century. IDLO assisted in drafting the Afghan Constitution, notable for its inclusion of the freedom of expression and disallowance of discrimination based on gender. IDLO has trained over 1500 legal professionals in Afghanistan on the interpretation and application of the national law, effective court management, and trial skills. IDLO has published a pamphlet which explains to Afghans their legal rights, textbooks for lawyers, and benchbooks for Afghan judges.

The Organization is also working closely with national and international groups on the establishment of an independent Afghan Bar Association.

15. Afghan lawyers trained by IDLO established the Legal Aid Organization of Afghanistan (LAOA), which provides legal representation for the nation's poor and disempowered. LAOA provides legal aid services to women, especially those affected by domestic violence. Through its Defense Services Department, LAOA is conducting a comprehensive survey of all juveniles detained in the Kabul area detention centers, and provides legal services to those who are inappropriately detained. The Education and Training Department of LAOA conducts professional development workshops, training, and mentorship programs for recent graduates of the Faculties of Law and of Shari'a at Kabul University, and the Ministry of Women's Affairs. IDLO continues to provide LAOA with both financial and technical assistance.

VISION OF IDLO

16. IDLO General Counsel Thomas McInerney presented "Trends in Law and Development," highlighting the Organization's strategic

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plan. Strategic objectives include: building national strategies and frameworks, legal empowerment of vulnerable individuals, and building networks to stimulate legal reform. The focus of IDLO is on the intersection of the rule of law and economic, social, and institutional development, and reflects the multi-dimensional aspect of the rule of law in society. The strategic plan of IDLO for establishing the rule of law is a "bottom-up" strategy of legal reform, involving multiple levels and actors working on defined national priorities. This approach deviates from the "technocratic" approach to the rule of law, where reform programs are determined by only a few elites. The strategic plan of IDLO is built around a number of key concepts explicitly set out in such documents as the UN Convention Against Corruption, the UN Convention on Organized Crime, and Secretary General Reports. First, building the rule of law is a long-term process, thus incremental progress over generations is the likely route of establishment. Second, the support of national constituencies and political commitment by national leaders and other stakeholders is necessary. Third, political commitment and consensus must develop through open, inclusive, transparent, and deliberative processes. The consensus for rule of law is based on understanding that the rule of law is a good that makes all other social goods (life, liberty, and prosperity) possible.

17. The Paris Declaration on Aid Effectiveness ("Paris Declaration") has at its core the notion of national ownership. National ownership is critical for IDLO to accelerate progress in establishing the rule of law. The rule of law occurs through political will, i.e., societal consensus, thus IDLO embraces the Paris Declaration framework as an effective approach to development. Therefore, IDLO plans to shift the focus of its efforts away from discrete projects and towards enabling achievement of national strategies. IDLO plans to work collaboratively with leading multilateral players in the rule of law field to devise approaches to assist in its shift towards national strategies. IDLO also will develop techniques for monitoring and evaluation of national strategies in the justice sector to determine effectiveness.

18. One of the biggest challenges to rule of law implementation

is the financial crisis, which has undermined financing for development. IDLO aims to seize the economic crisis as an opportunity for reform, and plans to put in place measures to help mitigate economic hardship on the poor and vulnerable. IDLO hopes to help developing countries experiencing fiscal shock expand their tax base to ensure public finances are solid.

Specifically, IDLO will seek regulatory reform of legal systems to improve the investment climate and will respond to the push for transparency contained in the London G-20 communique. IDLO will also seek other regulatory reforms, e.g., corporate governance and banking needs must be aligned with country capacities. IDLO will help countries align regulation with international standards in ways that make sense for their particular systems. IDLO will also explore the development of communities of practice to create space for policy negotiation.

NEW IDLO DIRECTOR-GENERAL

19. IDLO is currently finalizing procedures for the selection of the new Director-General to replace Loris. A working group meeting on the subject was held June 9, with another scheduled for June 25. There are 24 applicants for the position, four of which are Amcits. Three nations have put forth "official" candidates: Mr. Thomas F. McInerney by the United States; Mr. Manuel Leal-Angarita by Colombia; and Mr. Antonio Badini, Mr. Claudio Lenoci, and Mrs. Ersiliagrazia Spatafora by Italy. To comply with the guidelines, Italy will reduce its number of official candidates to one, thus leaving only three official candidates. The selection procedure will consist of the Board of Advisors compiling a "short list" of candidates by way of an advisory opinion. The Assembly of States will then decide which candidates to interview at the working group meeting of June 25, with the maximum number set at eight.

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